

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

GERMAIN A. STEWART,

Plaintiff,

v.

Case No: 8:22-cv-0002-KKM-CPT

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

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**ORDER**

Germain Stewart filed this action against U.S. Bank. He alleges that U.S. Bank is illegitimately claiming title to a property in Port Richey, Pasco County. (Doc. 1 at 1.) Stewart is seeking \$300,000 in monetary and punitive damages for U.S. Bank's actions, which Stewart alleges constitute negligence, fraud, misrepresentation, and violation of Stewart's constitutional rights. (*Id.* at 5.) Stewart, who is not represented by an attorney, also moves to proceed in forma pauperis, asking the Court to waive the usual filing fee because he is indigent. (Doc. 2.)

After reviewing the Complaint and the motion, the Magistrate Judge recommended that the Court deny the motion and dismiss the Complaint. (Doc. 5.) The fourteen-day deadline for Stewart to object to the Magistrate Judge's recommendation has passed (with

an additional three days permitted for mailing). He did not object. Nevertheless, the Court reviews the Magistrate Judge's legal conclusions de novo. See *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019) (Steele, J.).

After a complete review, the Court concludes that the Complaint should be dismissed without prejudice for the reasons that the Magistrate Judge stated. (Doc. 5.) Even liberally construed, Stewart's Complaint is deficient. The Complaint fails to satisfy the pleading standards of Federal Rules of Civil Procedure 8 and 10, and it offers nothing more than "unadorned, the-defendant-unlawfully-harmed-me accusation[s]." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). So too, Stewart's motion to proceed in forma pauperis is deficient. Stewart, who admits to earning \$4,000 dollars a month, ignored much of the IFP form, (Doc. 2), rendering it impossible to "make an informed determination about his ability to pay the fees and costs," (Doc. 5 at 5). The Court dismisses both documents without prejudice to Stewart refiling amended versions.

Stewart must file an amended complaint by March 3, 2022. That document must comply with the Federal Rules of Civil Procedure and the Local Rules for the Middle District of Florida. Stewart must also remedy the defects the Magistrate Judge took care to identify. If Stewart files a new complaint, he may renew his request to proceed in forma pauperis or pay the filing fee. If Stewart does not file a new complaint by March 10, 2022,

or files a similarly deficient complaint, the Court will dismiss this action without further notice. Accordingly, the following is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation is **ADOPTED** and made a part of this Order for all purposes. (Doc. 5.)
2. Plaintiff's Motion to Proceed In Forma Pauperis is **DENIED without prejudice**. (Doc. 2.)
3. Plaintiff's Complaint is **DISMISSED without prejudice**. (Doc. 1.)
4. By March 3, 2022, Plaintiff must file an amended complaint and pay the filing fee or file an amended motion to proceed in forma pauperis.

**ORDERED** in Tampa, Florida, on February 17, 2022.

  
Kathryn Kimball Mizelle  
United States District Judge